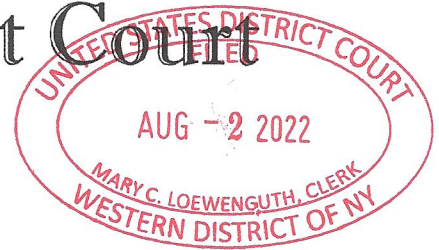


AO 91 (Rev. 02/09) Criminal Complaint

# United States District Court

for the  
Western District of New York



**United States of America**

v.

Case No. 22-mj-5054

**ROLIK WALKER**

*Defendant*

## CRIMINAL COMPLAINT

I, Jared Fitzgerald, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about May 16, 2022, in the Western District of New York, the defendant, ROLIK WALKER, did knowingly, willfully, and unlawfully, and for the purpose of issuing a threat and with knowledge that the communication would be viewed as a threat, transmit a communication in interstate commerce, that is, a post on Twitter, which travelled between the State of New York and the State of California, which contained threats to injure the person of another.

**All in violation of Title 18, United States Code, Section 875(c).**

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

JARED FITZGERALD  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed telephonically.

Date: August 2, 2022

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER  
UNITED STATES MAGISTRATE JUDGE

**AFFIDAVIT**

STATE OF NEW YORK            )  
COUNTY OF ERIE            )    SS:  
CITY OF BUFFALO            )

**I.     INTRODUCTION**

I, **Jared Fitzgerald**, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, having been duly sworn, states as follows:

1.     I am a Special Agent of the Federal Bureau of Investigation (“FBI”) of the United States Department of Justice. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2.     I have served as an FBI Special Agent since July of 2020. During that time, I have participated in investigations involving violent crime, criminal enterprises and the unlawful possession of firearms. In addition, I have had the opportunity to work with several other FBI agents and other law enforcement agents and officers of varying experience levels, who have also investigated firearms related offenses in the Western District of New York.

3.     I make this affidavit in support a criminal complaint charging **ROLIK WALKER** with violating Title 18, United States Code, Section 875(c) (transmitting a communication containing a threat to injure another in interstate commerce). This affidavit is being submitted for a limited purpose, that is, a probable cause determination. Therefore, I

have not presented all of the facts of this investigation to date. I have set forth only the information I believe to be necessary to establish probable cause. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from law enforcement officers and witnesses.

## **II. BACKGROUND**

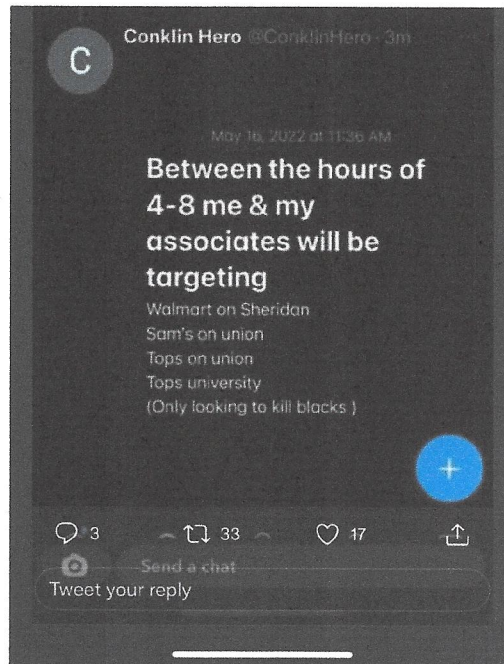
4. On May 14, 2022, ten Black people were killed at the Tops Market on Jefferson Avenue, Buffalo, New York. The alleged shooter is in custody facing state murder charges and federal hate crime charges resulting in death. In the days following the murders, it was widely reported that the alleged killer was from Conklin, New York.

5. Twitter is a social networking service based in San Francisco, California. A person accesses Twitter through the internet, which I understand to be an instrument of interstate and foreign commerce. In addition, I understand Twitter has servers in the State of California.

## **III. PROBABLE CAUSE**

6. On or about May 16, 2022, the FBI received information about a threat posted on Twitter by the username @ConklinHero, which threatened to target Black people at multiple locations in the Buffalo, New York area. The locations were identified as businesses located in Tonawanda, Cheektowaga, and Buffalo, New York. Several of these businesses were subsequently closed on May 16, 2022, in response to the threat and local law enforcement was deployed to the identified locations. @ConklinHero posted the following

message:



7. Law enforcement learned Twitter account @ConklinHero had been created in May 2022 and the posted threat was the only message posted by the account. According to Twitter's records, Internet Protocol (IP) addresses 173.245.203.129, 173.245.203.128 and 172.100.33.91 were associated with the @ConklinHero account. Law enforcement learned that these IP addresses were operated by internet service providers NetForce Inc. and Charter Communications.

8. In response to a law enforcement request, NetForce Inc.'s explained that the identified IP addresses, 173.245.203.129 and 173.245.203.128 were associated with a server used by IPVanish. IPVanish is a virtual private network service, also known as a VPN. A VPN masks the true IP address, and the IP addresses are shared across customers of the VPN service. IPVanish does not maintain or have access to subscriber records that would identify



which customers connected through these IP addresses. The other IP address, 172.100.33.91, was determined to be operated by Charter Communications.

9. According to records provided by Charter Communications, IP address 172.100.33.91 is associated with a customer account located at 48 Edison Avenue, Lower, Buffalo, NY 14215. Local law enforcement records revealed that **ROLIK WALKER** is associated with 48 Edison Avenue, Lower, Buffalo, NY.

10. On July 26, 2022, law enforcement officers located and interviewed **WALKER** at his residence at 48 Edison Avenue, Lower, Buffalo, NY. After being advised of the identities of the interviewing law enforcement officers and the nature of the interview, **WALKER** admitted to law enforcement that **WALKER** created the Twitter account @ConklinHero. **WALKER** stated he posted the threat referenced in paragraph 4 and then deleted the Twitter account @ConklinHero.

11. Later in the day on July 26, 2022, **WALKER** agreed to meet with law enforcement at the Buffalo Police Department E District Police Station located at 2767 Bailey Avenue, Buffalo, NY. During the meeting, which was video recorded, **WALKER** was advised of his *Miranda* rights, and after waiving his rights, agreed to speak with law enforcement. **WALKER** then admitted to law enforcement that **WALKER** created the Twitter account @ConklinHero and created the Google Gmail account conklinhero1@gmail.com in order to create the Twitter account. Law enforcement showed **WALKER** a copy of the post referenced in paragraph 4 and **WALKER** admitted he created

the post. **WALKER** also admitted that he used the VPN service IPVanish to hide his IP address when he created the @ConklinHero Twitter account and the post. **WALKER** stated that the purpose of the post was to see what everyone would say and if anyone would agree with him. **WALKER** claimed to want to see how segregated social media was and that once the post was made it spread within approximately thirty seconds. **WALKER** stated that the account did not have any followers. **WALKER** stated he created an additional Twitter account, @ConklinHeroR1.<sup>1</sup> **WALKER** claimed he created this second account in an effort to rectify the earlier post. **WALKER** copied and pasted the same post, removed the statement “only looking to kill blacks” and changed it to ants, spiders and things of that nature.

12. **WALKER** provided law enforcement with consent to the search of his cell phone, which **WALKER** stated was the device he used to make the post referenced in paragraph 4. Screenshots on **WALKER**’s phone showed subscription options for the IPVanish, a refund from IPVanish to **WALKER** dated May 16, 2022, and a screenshot of a post from Twitter account @ConklinHero1 claiming not to have meant any harm (presumably referring to the earlier threat posted to Twitter).

13. **WALKER** stated that he spent several nights sleeping in his car and expected the FBI to show up in the days following and leading up to when he was interviewed by law enforcement on July 26, 2022. **WALKER** also claimed he did not know it was a crime to

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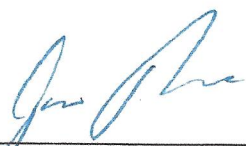
<sup>1</sup> A search of **WALKER**’s phone shows that he created another Twitter account with the handle @ConklinHero1. **WALKER** could have just misspoken when he advised agents the other account was @ColkinHeroR1.

create the post referenced in paragraph 4 until he looked it up afterwards. However, **WALKER** took affirmative steps to anonymize his creation and use of the @ConklinHero Twitter account, which he then used to post the threat. In addition, if he did not know it was a crime or did not believe it was a crime to use Twitter to post the threat, **WALKER** could have posted it without anonymizing himself.

14. Based on the timing of **WALKER**'s Twitter post (two days after a mass shooting targeting Black people), the Twitter account's connection to the killer's hometown (@ConklinHero compared to Conklin, New York), the threat indicating that the sender and his associates were "only looking to kill blacks," and the listing of specific shopping areas in the Buffalo, New York area being targeted, I assert there is probable cause to believe that **WALKER** transmitted the Twitter post for the purpose of issuing a threat and with knowledge that his Twitter post would be viewed as a threat. **WALKER**'s use of IPVanish to anonymize his creation and use of Twitter account @ConklinHero further supports my assertion.

15. I further request that this affidavit and criminal complaint remain sealed until **WALKER** is arrested or the Court orders it to be unsealed, whichever occurs first.

16. **WHEREFORE**, based upon the foregoing, I respectfully submit that there is probable cause to believe that **WALKER** did knowingly, willfully, and unlawfully violate Title 18, United States Code, Section 875(c) transmitting in interstate commerce a communication containing a threat to injure the person of another.

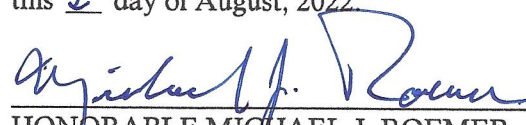
  

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JARED FITZGERALD  
Special Agent  
Federal Bureau of Investigation

Sworn to telephonically

this 2<sup>nd</sup> day of August, 2022.

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HONORABLE MICHAEL J. ROEMER  
United States Magistrate Judge